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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,649	06/07/2001	Sheila B. Filteau	US010393	9186

24737 7590 05/11/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/876,649	<b>Applicant(s)</b> FILTEAU ET AL.	
	<b>Examiner</b> Lamont M. Spooner	<b>Art Unit</b> 2626	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive.

2. In response to applicant's arguments, p.8. "Claim 2 recites, "... identifying diagnostic findings commonly repeated in reports of a specific type . . . wherein said identifying comprises analyzing a plurality of reports generated at a particular site." WFU does not disclose this feature." The Examiner cannot concur. As the applicant states, "WFU trances a particular finding and, in doing so, **identifies a finding that is repeated**", therefore, WFU identifies a diagnostic finding commonly repeated... As claimed, irregardless of when the reports where created, i.e. temporal, different times, WFU reads on the claim, as currently and broadly claimed. Claim 7 recites similar unpersuasive arguments. Claim 7 further recites, "using the language encoded database in a physician-directed iterative process to identify diagnostic findings responsive to a plurality of observed images (p.24.line 17-p.25.line 6-"as each diagnostic finding is created" is interpreted as the physician-directed iterative process, and p.30.lines 1-4); and providing access to a multi-lingual reporting physician to an editor, wherein the physician generates, in a desired reporting language, customized diagnostic findings that are subsequently subject to said process to identify. The Examiner notes, that in utilization of the language encoded database for translation of the report, the diagnostic findings are identified responsive to the observed images, inherently, in order to translate a report that contains diagnostic findings and

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corresponding observed images. The motivation for having a physician as a multi-lingual reporting physician, would have been to allow a physician to edit a report (as it relates to the language being edited).

In response to applicant's arguments regarding claim 9, "previously approved", as stated in the previous rejection, p.28.lines 12, 13, "**The radiologist edits the final report as necessary, ...redundant findings**" this is sufficient to cover the limitation as claimed, the editing-inherently suggests previously approved, as the diagnostic finding is edited, it is approved, before the further customization.

In response to applicant's arguments regarding claim 5, "verifying", as claimed, verification is simply interpreted by definition (the comparison aspect), wherein, there are multiple language codes, the system then from the multiple stored codes only retrieves codes that indicate the Spanish language, thereby, a comparison is done with the codes, none of the other languages are used, thereby inherently verifying by a test (code language determination) the match to a desired language. The Examiner notes that there are several verification techniques, and interprets the multiple encoded languages, and a selection of one from the multiple codes, inherently verifies (by comparison) the match code-language-by selection. Claims 11 and 19 are similar and thus the arguments remain unpersuasive.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms  
05/07/06

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER